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12 Attorneys for Defendants
13 U.S. BANCORP and U.S. BANK N.A.

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

CV12-06076 JFW(Ex)

17 THOMAS HRONIS, AN INDIVIDUAL,

18 Plaintiff,

19 v.

20 U.S. BANCORP, A DELAWARE
21 CORPORATION, and DOES 1 – 10
22 INCLUSIVE,

23 Defendants.

CASE NO.:

BURBANK SUPERIOR COURT CASE
NO.: EC056404

24 **NOTICE OF REMOVAL OF CIVIL
25 ACTION TO UNITED STATES
26 DISTRICT COURT PURSUANT TO
27 28 U.S.C. SECTIONS 1441, 1446
28 (SUBJECT MATTER and
DIVERSITY)**

1 **TO THE UNITED STATES DISTRICT COURT, CENTRAL DISTRICT**
2 **OF CALIFORNIA, and PLAINTIFF AND HIS ATTORNEY OF RECORD:**

3 **PLEASE TAKE NOTICE** that Defendant U.S. Bank N.A. by and through its
4 counsel, Bryan Cave LLP, hereby removes this pending action from the Superior
5 Court of the State of California for the County of Los Angeles, to the United States
6 District Court for the Central District of California pursuant to 28 U.S.C. Sections
7 1441 and 1446. As grounds for the removal, Defendants state as follows:

8 **I. Jurisdiction**

9 **A. Subject Matter:** This Court has original jurisdiction over this action
10 under 28 U.S.C. Section 1331, and this action can be properly removed under 28
11 U.S.C. Section 1441, because the Plaintiff has asserted a claim arising under the laws
12 of the United States. Plaintiff has alleged a violation of 15 U.S.C. Section 1681, *et*
13 *seq.* the Fair Credit Reporting Act ("FCRA") which provides this Court with federal
14 question jurisdiction. Pursuant to 15 U.S.C. Section 1681p, FCRA actions may be
15 brought "in any appropriate United States district court..."

16 **B. Diversity:** As a separate an independent basis for jurisdiction, this Court
17 has original jurisdiction under 28 U.S.C Section 1332, and this action can be properly
18 removed under 28 U.S.C. Section 1441, because it is a civil action between citizens of
19 different states wherein the amount in controversy exceeds the sum of \$75,000.00.

20 The citizenship of the parties is as follows:

- 21 • U.S. Bank is informed and believes that Plaintiff Tom Hronis resides in the
22 state of Illinois. (*See Declaration of Jonathan Fetterly ("Fetterly Decl.")*, ¶¶
23 4 – 6, attached as Exhibit B).
- 24 • Defendant U.S. Bancorp is, and at all relevant times was, a Delaware
25 corporation with its principle place of business in Minneapolis, Minnesota.
26 (*Fetterly Decl.* ¶ 2, attached as Exhibit B).

27 ///

28 ///

- Defendant U.S. Bank N.A. is, and at all relevant times was, a national banking association organized under the laws of the United States with its main office in Cincinnati, Ohio.¹ (Fetterly Decl. ¶ 3, attached as Exhibit B).

Thus, there is complete diversity of citizenship among the parties.

Additionally, the amount in controversy exceeds \$75,000.00. Where a plaintiff can recover compensatory damages and attorneys' fees the Court must consider said remedies when determining whether the amount in controversy exceeds the minimum jurisdictional requirement. *Simmons v. PCR Technology*, 209 F.Supp.2d 1029, 1035 (N.D. Cal. 2002). Plaintiff alleges damages totaling \$275,000, plus attorneys fees. (Comp. 4:16-28). Thus, given that Plaintiff is claiming \$275,000.00 in compensatory damages plus attorney fees, Plaintiff's alleged damages exceed the \$75,000.00 amount in controversy requirement.

II. Basis for Removal

On July 15, 2011, Plaintiff Thomas Hronis filed a complaint against defendant U.S. Bancorp in the Superior Court of California, County of Los Angeles, Case No. EC056404 ("State Action"). A true and correct copy of the Complaint in the State Action is submitted as part of the pleadings and process attached as Exhibit A.

On May 22, 2012, Plaintiff filed an Amendment to Complaint substituting U.S. Bank N.A. for Doe #1 in the Complaint. A true and correct copy of the Amendment to Complaint is submitted as part of the pleadings and process attached as Exhibit A.

On June 15, 2012, Plaintiff served U.S. Bank N.A. with the Summons, Complaint and Amendment to Complaint. That same day, Plaintiff filed a Proof of Service evidencing his service of the summons and Complaint on U.S. Bank N.A. A true and correct copy of the Proof of Service is submitted as part of the pleadings and process attached as Exhibit A.

¹ For purposes of diversity jurisdiction, a national bank is a citizen of the State in which its main office, as set forth in its articles of association, is located. *Wachovia Bank N.A. v. Schmidt*, 546 U.S. 303, 306-307.

1 In paragraphs 11-14 of the Complaint, Plaintiff alleges a civil claim against
 2 U.S. Bank N.A. arising under 15 U.S.C. Section 1681, *et seq.*, the FCRA. The FCRA
 3 claim arises under the laws of the United States. As such, this Court has original
 4 jurisdiction over those claims under 28 U.S.C. Section 1331, and the State Action may
 5 be removed to federal court pursuant to 28 U.S.C. Section 1441(a), (b). This Court
 6 has supplemental jurisdiction over all other claims asserted by Plaintiff in accordance
 7 with 28 U.S.C. Sections 1367(a) and 1441 (c).

8 Additionally, as set forth above, the State Action is a civil action between
 9 citizens of different states wherein the amount in controversy exceeds the sum of
 10 \$75,000.00. As such, this Court has original jurisdiction over all claims in the State
 11 Action under 28 U.S.C. Section 1332, and the State Action may be removed to federal
 12 court pursuant to 18 U.S.C. Section 1441(a), (b).

13 **III. The Removal Notice Is Timely**

14 Plaintiff served Defendant U.S. Bank N.A. with the Summons and Complaint
 15 on June 15, 2012, making service effective on that date. Cal. Code Civ. Proc. §
 16 415.10. Pursuant to 28 U.S.C. § 1446 and Rule 6 of the Federal Rules of Civil
 17 Procedure ("FRCP"), the deadline for U.S. Bank N.A. to file its notice of removal is
 18 Monday, July 16, 2012. This Notice of Removal is therefore timely.

19 **IV. Pleadings and Process**

20 A. Parties: Defendant U.S. Bank N.A. brings this Notice on its own behalf.

21 B. Process: Attached hereto as Exhibit A and incorporated by reference
 22 herein, are copies of all process, pleadings and orders served on defendants U.S.
 23 Bancorp and U.S. Bank N.A. in the State Action. See 28 U.S.C. 1446(b).

24 C. Proper Court: This Court is part of the district and division embracing
 25 the place where this action was filed – Los Angeles County, California. See 28
 26 U.S.C. § 1446(a).

27 ///

1 D. Notice: Upon filing this Notice of Removal, U.S. Bank N.A. will
2 promptly give written notice to Plaintiff's counsel and file a copy of that notice with
3 the Clerk of the Superior Court for the State of California, County of Los Angeles. A
4 true and correct copy of the Notice of Removal that U.S. Bank N.A. will serve on
5 Plaintiff's counsel and file with the Clerk is attached hereto as Exhibit C.

6 E. Joinder by Co-Defendant: Defendant U.S. Bancorp joins U.S. Bank N.A.
7 in this Notice of Removal. See Joinder in Removal of Civil Action, filed concurrently
8 herewith.

9 F. Signature: This Notice of Removal is signed pursuant to Rule 11 of the
10 FRCP. See U.S.C. § 1446(a).

11 G. By removing on the basis of subject matter jurisdiction, U.S. Bank N.A.
12 does not concede or make any admissions relating to the merit and/or value of
13 Plaintiff's allegations, claims or damages. U.S. Bank N.A. denies the material
14 allegations contained in the Complaint, generally and specifically.

15 WHEREFORE, this action should proceed in the United States District Court
16 for the Central District of California, as an action properly removed thereto.

17
18 Dated: July 13, 2012

19
20 By:

BRYAN CAVE LLP

Lawrence P. Ebner

Jonathan G. Fetterly

Patrick J. Hagan

Attorneys for Defendants U.S. BANCORP and
U.S. BANK N.A.

EXHIBIT A

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

U.S. Bancorp, ET AL a Delaware Corporation,
And DOES 1-10 inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Thomas Hronis, an Individual

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

LOS ANGELES SUPERIOR COURT

JUL 15 2011

JOHN A. CLARKE, CLERK
BY N. CARRILLO, DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): 300 East Olive Avenue
Burbank, CA 91502

CASE NUMBER
(Número del Caso)

EC056404

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Thomas Hronis 11054 Ventura Blvd. #372, Studio City, CA 91604, Telephone 323-252-4830

DATE: July 15, 2011
(Fecha)

JOHN A. CLARKE, CLERK

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): U.S. Bancorp

- under:
- | | |
|--|---|
| <input checked="" type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

- ☐ by personal delivery on (date):

1 Thomas Hronis
11054 Ventura Blvd. #372
2 Studio City, CA 91604
Telephone: 323-252-4830
3 Email: roaps@yahoo.com

4 Plaintiff, In Pro Per

ORIGINAL FILED

JUL 15 2011

LOS ANGELES
SUPERIOR COURT

5
6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF LOS ANGELES, NORTH CENTRAL DISTRICT, BURBANK COURTHOUSE**

9 Thomas Hronis, an Individual,

CASE NO:

EC056404

10 Plaintiff,

11 Vs,

12 U.S. Bancorp, a Delaware Corporation,
And DOES 1 - 10 inclusive,

13 Defendants

COMPLAINT FOR BREACH OF
CONTRACT, NEGLIGENT VIOLATION
OF FAIR CREDIT REPORTING ACT,
INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS

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15
16 Plaintiff, Thomas Hronis, alleges as follows:

17 **FIRST CAUSE OF ACTION**

18 **(Breach of Contract)**

- 19 1. At all times herein mentioned, Plaintiff Thomas Hronis is an
20 individual and President of Camden Technologies, a California
21 Corporation.
- 22 2. The contract and obligations, which are the basis of this action,
23 were entered into and were to be performed in the County of Los
24 Angeles, State of California.
- 25 3. Defendant U.S. Bancorp is a national bank and is authorized to do
26 business in the State of California.
- 27 4. Defendants named herein as DOES 1 through 10, inclusive whether
28 corporate, individual, consultant, or otherwise are not known to
Plaintiff at this time, which therefore, sues Defendants by their

1 fictitious names. As names and duties of these Defendants are made
2 certain, Plaintiff will seek leave to amend this Complaint.

3 5. A \$25,000. commercial line of credit agreement was executed between
4 Camden and Defendant U.S. Bancorp in July, 2008. Defendant U.S.
5 Bancorp designated Plaintiff Hronis as a guarantor of the line of
6 credit. Plaintiff Hronis was not asked to waive any California Civil
7 Codes as guarantor. (Exhibit A - Contract)

8 6. Camden has advanced approximately \$23,000. of the line of credit
9 from Defendant U.S. Bancorp since July, 2008 and has consistently
10 made timely payments on a monthly basis on the balance
11 through May, 2011. Camden is currently 30 days past due on the last
12 requested monthly payment in June, 2011.

13 7. Defendant U.S. Bancorp sent Camden notification via U.S. mail that
14 it was 30 days past due on its June, 2011 payment. Defendant U.S.
15 Bank did not send any personal correspondence to Plaintiff Hronis
16 and did not ask him to perform as guarantor of the loan.

17 8. Plaintiff Hronis had good credit as of Jun 5, 2011 and had no
18 delinquencies on his credit report. (Exhibit B)

19 9. Defendant U.S. Bancorp breached its contract with Camden and
20 Plaintiff Hronis and violated California Civil Code Section 2845 by
21 informing credit bureaus Transunion, Equifax, and Experian that
22 Plaintiff Hronis was personally past due and in default on Camden's
23 commercial line of credit. Defendant U.S. Bancorp made no effort to
24 first pursue any legal action against Camden, the principal debtor.

25 10. Credit bureaus Transunion, Equifax, and Experian recorded the
26 default sent by Defendant U.S. Bank as a delinquency on Plaintiff
27 Hronis' July, 2011 credit reports. Plaintiff Hronis credit rating
28 immediately fell to negative "D" and "F" status by the credit
bureaus, as a result of Defendant U.S. Bank's actions. (Exhibit C)

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SECOND CAUSE OF ACTION
(Negligent Violation of Fair Credit Reporting Act)

11. Plaintiff Hronis re-alleges paragraphs 1 through 10 inclusive, above and incorporates the same herein as though set forth in full.

12. In July 2011, Defendant U.S. Bancorp violated Plaintiff Hronis' consumer rights under Section 617 of the Fair Credit Reporting Act by contacting credit bureaus Equifax, Transunion, and Experian, and falsely reporting that Plaintiff Hronis was delinquent on a corporate line of credit between Camden and Defendant U.S. Bank.

13. In July, 2008, after being notified of a new poor credit rating by the credit bureaus due to the bank delinquency, Plaintiff Hronis contacted Defendant U.S. Bancorp via telephone and was advised by bank manager Vicky Ly that the bank didn't need to notify Hronis of the delinquency and that she was in Oregon and was unaware of California law.

14. Defendant U.S. Bancorp had a duty to properly hire, train, and educate all bank personnel so as to prevent violation of Plaintiff Hronis' rights under the Fair Credit Reporting Act. Defendant U.S. Bancorp overlooked those rights and breached the duty of care owed to Plaintiff Hronis. Hronis' reputation with multiple creditors has been damaged as a result of the bank's actions.

THIRD CAUSE OF ACTION
(Intention Inflicton of Emotional Distress)

15. Plaintiff Hronis re-alleges paragraphs 1 through 13 inclusive, above and incorporates the same herein as though set forth in full.

16. In July, 2008, after being notified by the credit bureaus of the bank delinquency, Plaintiff Hronis contacted Defendant U.S. Bancorp via telephone and was advised by bank manager Vicky Ly that the delinquent item would not be removed from the credit report and that

1 Hronis needed to immediately perform on the loan. Ms. Ly was also
 2 unwilling to listen to Hronis' plea and references to specific
 3 California civil codes against the bank's actions, but Ms. Ly did
 4 not offer any assistance and wouldn't let Hronis speak to anyone
 5 else regarding a solution.

6 17. Defendant U.S. Bancorp intentionally or recklessly disregarded
 7 the foreseeable risk that Plaintiff Hronis would suffer extreme
 8 emotional distress as a result of Defendant U.S. Bancorp's conduct
 9 in times of extreme credit conditions. Defendant U.S. Bancorp used
 10 the destruction of Plaintiff Hronis' personal credit as a
 11 "bargaining chip" to persuade Camden to immediately perform on the
 12 30 day past due bill, subjecting Hronis to a collapse of his
 13 personal credit rating.

14
 15
 16 WHEREFORE, Plaintiff prays for judgment as follows:

17 **ON THE FIRST CAUSE OF ACTION:**

- 18 1. For general damages in the amount of \$25,000.
 19 2. For any attorney fees and costs incurred as a result of this
 20 action.

21 **ON THE SECOND CAUSE OF ACTION:**

- 22 3. For personal credit damages in the amount of of \$175,000.
 23 4. For immediate removal of the U.S. Bancorp delinquency from
 24 Plaintiff's credit reports as required by Section 618 of the Fair
 25 Credit Reporting Act(15 U.S.C. § 1681)

26 **ON THE THIRD CAUSE OF ACTION:**

- 27 5. For damages in the amount of 75,000.

28 **ON ALL CAUSES OF ACTION:**

6. For cost of suit; and

1 7. For such other and further relief as this Court may deem just
2 and proper.
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4 DATED: July 14, 2011
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6
7 By: Thomas Hronis

8 Thomas Hronis,
9 Plaintiff, In Pro Per
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Thomas Hronis 11054 Ventura Blvd. #372 Studio City, CA 91604 TELEPHONE NO.: 323 252 4830 FAX NO. (Optional): E-MAIL ADDRESS (Optional): roaps@yahoo.com ATTORNEY FOR (Name): Plaintiff, Thomas Hronis, In Pro Per		POS-010 FOR COURT USE ONLY FILED JUL 18 2011 A. CLARKE, CLERK M. N. CASILLAS
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 300 East Olive Avenue MAILING ADDRESS: 300 East Olive Avenue CITY AND ZIP CODE: Burbank, California 91502 BRANCH NAME: Burbank Courthouse		
PLAINTIFF/PETITIONER: Thomas Hronis DEFENDANT/RESPONDENT: U.S. Bancorp, ^{et al} a Delaware Corporation, And Does 1-10 inclusive		CASE NUMBER: EC056404 Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☒ Alternative Dispute Resolution (ADR) package
 - ☒ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☐ other (specify documents):
- Party served (specify name of party as shown on documents served):
 U.S. Bancorp, a Delaware Corporation, And Does 1-10 inclusive
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 CT Corp, Agent for Service of Process Margaret Wilson
- Address where the party was served:
 818 W. Seventh Street, Los Angeles, CA 90017
- I served the party (check proper box)
 - ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Thomas Hronis	CASE NUMBER:
DEFENDANT/RESPONDENT: U.S. Bancorp ET, AL.	EC056404

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **U.S. Bancorp ET. AL.**
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Anna Cesar
- b. Address: 11054 Ventura Blvd. #500 Studio City, CA 91604
- c. Telephone number: 323 665 8015
- d. The fee for service was: \$ 0
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

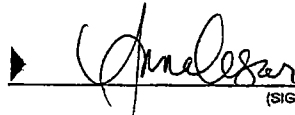
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: July 18, 2011

Anna Cesar

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

COPY

Lawrence P. Ebner (CA State Bar No. 122293)
E-mail: larry.ebner@hro.com
Jonathan G. Fetterly (CA State Bar No. 228612)
E-mail: jon.fetterly@hro.com
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Facsimile: (213) 572-4400

Attorneys for Defendant
U.S. BANCORP

ORIGINAL FILED
AUG 17 2011
LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
NORTH CENTRAL DISTRICT

THOMAS HRONIS, AN INDIVIDUAL,
Plaintiff,

v.

U.S. BANCORP, A DELAWARE
CORPORATION, and DOES 1 – 10
INCLUSIVE,
Defendants.

Case No. EC056404

Hon. Donna F. Goldstein, Dept. B

ANSWER TO UNVERIFIED COMPLAINT

Defendant U.S. BANCORP ("USB") hereby answers Plaintiff Thomas Hronis'
("Plaintiff") unverified Complaint ("Complaint").

GENERAL DENIAL

Pursuant to California Code of Civil Procedure Section 413.30(d), USB denies, generally and
specifically, each and all of the allegations in the unverified Complaint, and denies that Plaintiff is
entitled to damages or relief in any amount, or of any kind, as a result of the alleged actions of USB.

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AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1. The Complaint and each purported cause of action alleged therein fails to state facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE

(Estoppel)

2. The Complaint and each purported cause of action alleged therein are barred in whole or in part by the doctrine of estoppel.

THIRD AFFIRMATIVE DEFENSE

(Waiver)

3. The Complaint and each purported cause of action alleged therein are barred in whole or in part by the doctrine of waiver.

FOURTH AFFIRMATIVE DEFENSE

(Laches)

4. The Complaint and each purported cause of action alleged therein are barred in whole or in part by the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

(Unclean Hands)

5. The Complaint and each purported cause of action alleged therein are barred in whole or in part by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

(Comparative Fault)

6. Plaintiff did not exercise ordinary care, caution and prudence in connection with the transactions and events alleged within the Complaint, and Plaintiff is therefore barred entirely from recovery against USB or alternatively, Plaintiff should have the recovery, if any, proportionately reduced.

SEVENTH AFFIRMATIVE DEFENSE

(Acts of Others)

7. If Plaintiff sustained any loss, injury, damage or detriment, such loss, injury, damage or detriment was actually and proximately caused or contributed to by the negligence and/or careless actions or omissions to act and/or other tortious conduct and/or intentional wrongdoing of Plaintiff, or persons or entities for whose actions or omissions Plaintiff is or may have been legally responsible, and/or persons or entities other than USB.

EIGHTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

8. The causes of action alleged by Plaintiff against USB are barred, in whole or in part, by Plaintiff's failure to mitigate the damages, if any, which she may have sustained by reason of the acts described in the Complaint.

NINTH AFFIRMATIVE DEFENSE

(Consent)

9. Each cause of action in the Complaint is barred on the grounds that Plaintiff consented to the conduct and/or omissions alleged in the Complaint.

TENTH AFFIRMATIVE DEFENSE

(Authorization)

10. Plaintiff authorized each and every transaction described in the Complaint.

ELEVENTH AFFIRMATIVE DEFENSE

(Ratification)

11. Plaintiff ratified each and every transaction described in the Complaint.

TWELFTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

12. Plaintiff's claims are barred by the applicable statutes of limitations, including but not limited to sections §§ 337, 338, 339, 340(a)-(e), and 343 of the California *Code of Civil Procedure*; and 15 U.S.C. § 1681p.

THIRTEENTH AFFIRMATIVE DEFENSE

(Justification)

13. Plaintiff is not entitled to any relief and/or recovery from USB since any acts and/or omissions alleged in the Complaint were legally and factually justified.

FOURTEENTH AFFIRMATIVE DEFENSE

(No Injury)

14. Plaintiff has not suffered any compensable injury as a result of USB's alleged actions, and as a result, is not entitled to an award against USB.

FIFTEENTH AFFIRMATIVE DEFENSE

(No Damage)

15. USB has committed no act or omission causing any damage to Plaintiff.

SIXTEENTH AFFIRMATIVE DEFENSE

(Speculative Damage)

16. The damages claimed by Plaintiff are speculative.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

17. Plaintiff would be unjustly enriched if allowed to recover on the Complaint.

EIGHTEENTH AFFIRMATIVE DEFENSE

(No Private Right of Action – 15 U.S.C. § 1681s-2(d))

18. Plaintiff's claims are barred in whole or in part by the provisions of 15 U.S.C. § 1681s-2(d) which precludes private enforcement of the Fair Credit Reporting Act.

NINETEENTH AFFIRMATIVE DEFENSE

(Limitation of Liability – 15 U.S.C. § 1681s-2(c))

19. Plaintiff's claims are barred in whole or in part by the provisions of 15 U.S.C. § 1681s-2(c) which limit liability under the Fair Credit Reporting Act.

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TWENTIETH AFFIRMATIVE DEFENSE

(No Notice of Dispute – 15 U.S.C. § 1681s-2(b))

20. Plaintiff's claims are barred in whole or in part by the provisions of 15 U.S.C. § 1681s-2(b) which do not impose any obligations on a furnisher of information unless and until a furnisher of information has received notice of a dispute from a credit reporting agency.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Compliance with Statute – 15 U.S.C. § 1681s-2(b))

21. Plaintiff's claims are barred in whole or in part because USB complied with its duties under the Fair Credit Reporting Act, if any.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Offset/Recoupment)

22. Any damages otherwise recoverable by Plaintiff is offset, in whole or in part, by amounts owed to USB, and USB is entitled to recoup such amount.

TWENTY-THIRD AFFIRMATIVE DEFENSE

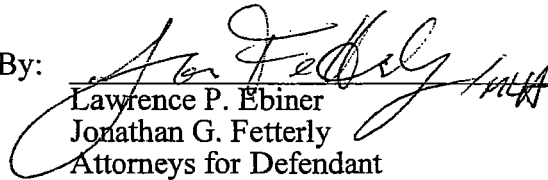
(Reservation of Rights to Assert Additional Defenses)

23. USB has not knowingly or intentionally waived any applicable defenses and reserves the right to assert and rely on such other applicable defenses as may become available or apparent during its investigation and discovery in this matter. USB further reserves the right to amend their answer and defenses accordingly

Dated: August 17, 2011

HOLME ROBERTS & OWEN LLP

By:


Lawrence P. Ebner
Jonathan G. Fetterly
Attorneys for Defendant
U.S. BANCORP

PROOF OF SERVICE
1013 A(3) CCP REVISED 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 800 West Olympic Boulevard, 4th Floor, Los Angeles, CA 90015.

On August 17, 2011, served the foregoing document described as **ANSWER TO UNVERIFIED COMPLAINT** on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY PERSONAL SERVICE:** I caused the above-mentioned document to be personally served to the offices of the addressee.

☐ **BY FACSIMILE:** I communicated such document via facsimile to the addressee as indicated on the attached service list.

☐ **BY FEDERAL EXPRESS:** I caused said document to be sent via Federal Express to the addressee as indicated on the attached service list.

☐ **BY ELECTRONIC MAIL:** I communicated such document via electronic mail to the addressee on the attached service list.

Executed on August 17, 2011, at Los Angeles, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


GERI ANDERSON

SERVICE LIST

In Pro Per

Thomas Hronis
11054 Ventura Boulevard, #372
Studio City, CA 91604
Phone: (323) 252-4830
Email: roaps@yahoo.com

PROOF OF SERVICE

Page 1 of 1
Cal. Rules of Court, rule 3.650
www.courtinfo.ca.gov

Case 11-40990 Doc 9 Filed 10/11/11 Entered 10/11/11 15:51:54 Desc 341Mtg
 Chap7/Ind No Assets Page 1 of 2

B9A (Official Form 9A) (Chapter 7 Individual or Joint Debtor No Asset Case) (12/10)

Case Number 11-40990

UNITED STATES BANKRUPTCY COURT
 Northern District of Illinois

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on October 9, 2011.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Thomas J Hronis
 552 Exmoor Rd.
 Kenilworth, IL 60043

Case Number: 11-40990
 Office Code: 1

Social Security / Individual Taxpayer ID / Employer Tax ID / Other
 nos:
 xxx-xx-0362

Attorney for Debtor(s) (name and address):

David H Cutler
 Cutler & Associates, Ltd.
 8430 Gross Point Rd, Ste 201
 Skokie, IL 60077
 Telephone number: 847 673-8600

Bankruptcy Trustee (name and address):

Joseph A Baldi Tr
 Baldi Berg & Wallace, Ltd.
 19 S Lasalle Street Suite 1500
 Chicago, IL 60603
 Telephone number: 312-726-8150

Meeting of Creditors:

Date: November 10, 2011

Time: 12:30 PM

Location: 219 South Dearborn, Office of the U.S. Trustee, 8th Floor, Room 800, Chicago, IL 60604

All debtors are required to attend and bring a picture ID and proof of their Social Security Number to the 341 meeting.

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on reverse side.

The presumption of abuse does not arise.

Deadlines:

Papers must be received by the bankruptcy clerk's office by the following deadlines:

Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: January 9, 2012

Deadline to Object to Exemptions:

Thirty (30) days after the conclusion of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

Eastern Division
 219 S Dearborn
 7th Floor
 Chicago, IL 60604
 Telephone number: 1-866-222-8029

For the Court:

Clerk of the Bankruptcy Court:
 Kenneth S. Gardner

Hours Open: Monday - Friday 8:30 AM - 4:30 PM

Date: October 11, 2011

Case 11-40990 Doc 9 Filed 10/11/11 Entered 10/11/11 15:51:54 Desc 341Mtg
Chap7/Ind No Assets Page 2 of 2

EXPLANATIONS

B9A (Official Form 9A) (12/10)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must file a complaint — or a motion if you assert the discharge should be denied under § 727(a)(8) or (a)(9) — in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the front of this form. The bankruptcy clerk's office must receive the complaint or motion and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
— Refer to Other Side for Important Deadlines and Notices —	

PROOF OF SERVICE

1 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

2 I, Anna Cesar, am employed in the County of Los Angeles, State of California. I am over
3 the age of eighteen and not a party to the within action. My business address is:

11054 Ventura Blvd. #500

Studio City, CA 91604

4 On December 2, 2011, I served the foregoing document described as:

5 ***Notice of Stay of Proceedings***

6 on all interested parties in this action by placing [X] a true copy [] the original thereof enclosed
7 in sealed envelope(s), at Los Angeles, California, addressed as follows:

8 Lawrence Ebner

9 HRO

800 West Olympic, 4th Floor,

Los Angeles, CA 90015

10 Larry.ebner@hro.com

11 [X] **BY REGULAR MAIL:** I deposited such envelope in the mail at Los Angeles, California.
12 The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the
13 firm's practice of collection and processing correspondence for mailing. Under that practice it
14 would be deposited with the U.S. Postal Service on that same day with postage thereon fully
15 prepaid at Los Angeles, California in the ordinary course of business. I am aware that on
16 motion of the party served, service is presumed invalid if postal cancellation date or postage
17 meter date is more than one (1) day after date of deposit for mailing in affidavit.

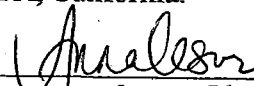
18 [] **BY ELECTRONIC TRANSMISSION** - I transmitted a PDF version of this document by
19 electronic mail to the party(s) identified on the attached service list using the e-mail
20 address(es) indicated.

21 [] **BY OVERNIGHT DELIVERY** - I arranged for the following: delivery by FedEx, Burbank
22 branch, for overnight delivery by the next business day, payment of all amounts necessary for
23 delivery and deposit of the document with FedEx.

24 [X] (State) I declare under penalty of perjury under the laws of the State of California that the
25 above is true and correct.

26 [] (Federal) I declare that I am employed in the office of a member of the bar of this court at
27 whose direction the service was made.

28 Executed on December 2, 2011, at Los Angeles, CA, California.


Anna Cesar

1 Lawrence P. Ebner (CA State Bar No. 122293)
E-mail: larry.ebner@hro.com
2 Jonathan G. Fetterly (CA State Bar No. 228612)
E-mail: jon.fetterly@hro.com
3 HOLME ROBERTS & OWEN LLP
4 800 West Olympic Blvd., 4th Floor
Los Angeles, CA 90015
5 Telephone: (213) 572-4300
6 Facsimile: (213) 572-4400

7 Attorneys for Defendant
U.S. BANCORP

8
9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11 NORTH CENTRAL DISTRICT

12 THOMAS HRONIS, AN INDIVIDUAL,
13 Plaintiff,

14 v.

15 U.S. BANCORP, A DELAWARE
16 CORPORATION, and DOES 1 – 10
INCLUSIVE,

17 Defendants.

Case No. EC056404

Hon. Donna F. Goldstein, Dept. B

NOTICE OF RULING

ORIGINAL FILED
DEC 15 2011
LOS ANGELES
SUPERIOR COURT

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on December 5, at 8:30 a.m., in Department NCBA in the
3 above entitled court the scheduled Case Management Conference ("CMC") came on for hearing, the
4 Honorable William Stewart presiding. Jonathan G. Fetterly appeared on behalf of U.S. Bancorp.
5 Plaintiff did not appear. The Court ruled as follows:

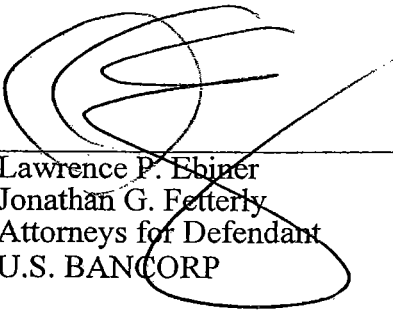
6 1. The CMC is continued to January 23, 2012.

7 2. Defendant is to submit a memorandum of points and authorities regarding Plaintiff's
8 bankruptcy case and the Court's ability to proceed with this case.
9

10 Dated: December 15, 2011

HOLME ROBERTS & OWEN LLP

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12
13 By:

14 
Lawrence P. Ebner
Jonathan G. Fetterly
Attorneys for Defendant
U.S. BANCORP
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PROOF OF SERVICE
1013 A(3) CCP REVISED 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 800 West Olympic Boulevard, 4th Floor, Los Angeles, CA 90015.

On December 15, 2011, served the foregoing document described as **NOTICE OF RULING** on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

☒ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY PERSONAL SERVICE: I caused the above-mentioned document to be personally served to the offices of the addressee.

☐ BY FACSIMILE: I communicated such document via facsimile to the addressee as indicated on the attached service list.

☐ BY FEDERAL EXPRESS: I caused said document to be sent via Federal Express to the addressee as indicated on the attached service list.

☐ BY ELECTRONIC MAIL: I communicated such document via electronic mail to the addressee on the attached service list.

Executed on December 15, 2011, at Los Angeles, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


GERI ANDERSON

SERVICE LIST

Thomas Hronis
11054 Ventura Boulevard, #372
Studio City, CA 91604
Phone: (323) 252-4830
Email: roaps@yahoo.com

In Pro Per

PROOF OF SERVICE

ORIGINAL FILED

JAN -9 2012

LOS ANGELES
SUPERIOR COURT

1 Lawrence P. Ebner (CA State Bar No. 122293)
E-mail: larry.ebner@bryancave.com
2 Jonathan G. Fetterly (CA State Bar No. 228612)
E-mail: jon.fetterly@bryancave.com
3 BRYAN CAVE LLP
4 800 West Olympic Blvd., 4th Floor
Los Angeles, CA 90015
5 Telephone: (213) 572-4300
6 Facsimile: (213) 572-4400

7 Attorneys for Defendant
U.S. BANCORP

8
9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11 NORTH CENTRAL DISTRICT
12

13 THOMAS HRONIS, AN INDIVIDUAL,
14 Plaintiff,

15 v.

16 U.S. BANCORP, A DELAWARE
CORPORATION, and DOES 1 – 10
17 INCLUSIVE,

18 Defendants.
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Case No. EC056404

Hon. William Stewart, Dept. NCBA

**NOTICE OF CHANGE OF FIRM NAME
FROM HOLME ROBERTS & OWEN LLP
TO BRYAN CAVE LLP**

Date: December 23, 2011

Time: 8:30 a.m.

Location: Dept. NCBA

FAXED

1 TO THE COURT, PLAINTIFF, AND ALL COUNSEL OF RECORD:

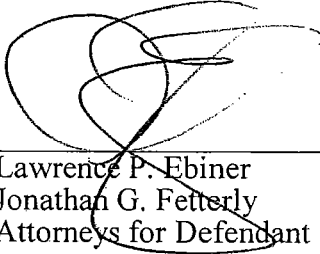
2 PLEASE TAKE NOTICE that effective January 1, 2012, Holme Roberts & Owen LLP,
3 counsel of record for Defendant U.S. Bancorp, has combined with Bryan Cave LLP. Accordingly, all
4 future references to the firm formerly known as Holme Roberts & Owen LLP in this matter should be
5 to Bryan Cave LLP. The address, telephone and facsimile numbers will remain the same. Lawyers'
6 email addresses have changed to the form indicated in the above caption.

7 Please change all future pleadings, notices, and correspondence to reflect this new firm name.

8
9 Dated: January 6, 2012

BRYAN CAVE LLP

10
11 By:


12 Lawrence P. Ebner
13 Jonathan G. Fetterly
14 Attorneys for Defendant
15 U.S. BANCORP
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PROOF OF SERVICE
1013 A(3) CCP REVISED 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 800 West Olympic Boulevard, 4th Floor, Los Angeles, CA 90015.

On January 9, 2012, served the foregoing document described as **NOTICE OF CHANGE OF FIRM NAME FROM HOLME ROBERTS & OWEN LLP TO BRYAN CAVE LLP** on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

☒ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY PERSONAL SERVICE: I caused the above-mentioned document to be personally served to the offices of the addressee.

☐ BY FACSIMILE: I communicated such document via facsimile to the addressee as indicated on the attached service list.

☐ BY FEDERAL EXPRESS: I caused said document to be sent via Federal Express to the addressee as indicated on the attached service list.

☐ BY ELECTRONIC MAIL: I communicated such document via electronic mail to the addressee on the attached service list.

Executed on January 9, 2012, at Los Angeles, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



TRACY MASON

SERVICE LIST

Thomas Hronis
11054 Ventura Boulevard, #372
Studio City, CA 91604
Phone: (323) 252-4830
Email: roaps@yahoo.com

In Pro Per

COPY

1 Lawrence P. Ebner (CA State Bar No. 122293)
2 E-mail: larry.ebner@bryancave.com
3 Jonathan G. Fetterly (CA State Bar No. 228612)
4 E-mail: jon.fetterly@bryancave.com
5 BRYAN CAVE LLP
6 800 West Olympic Blvd., 4th Floor
7 Los Angeles, CA 90015
8 Telephone: (213) 572-4300
9 Facsimile: (213) 572-4400

10 Attorneys for Defendant
11 U.S. BANCORP

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF LOS ANGELES
14 NORTH CENTRAL DISTRICT

15 THOMAS HRONIS, AN INDIVIDUAL,
16 Plaintiff,

17 v.

18 U.S. BANCORP, A DELAWARE
19 CORPORATION, and DOES 1 – 10
20 INCLUSIVE,
21 Defendants.

Case No. EC056404

Hon. William Stewart, Dept. NCBA

**NOTICE OF RULING RE CASE
MANAGEMENT CONFERENCE**

Date: February 17, 2012

Time: 8:30 a.m.

Location: Dept. NCBA

22 PLEASE TAKE NOTICE that on February 27, 2012, at 8:30 a.m., in Department NCBA in
23 the above Court, the scheduled Case Management Conference came on for hearing. Plaintiff, in pro
24 per, appeared telephonically. Attorney Jonathan Fetterly appeared telephonically for Defendant U.S.
25 Bancorp ("Defendant"). The Court referred the case to mediation and set the following dates:

- 26 • Mediation Completion: June 4, 2012
- 27 • Post-Mediation Status Conference: June 7, 2012, at 8:30 a.m. in Dept. NCBA
- 28 • Final Status Conference: November 28, 2012, at 8:30 a.m. in Dept. NCBA

- Jury Trial: December 3, 2012, at 8:30 a.m. in Dept. NCBA.

The Court ordered Defendant's counsel to give notice and to arrange for the filing of the ADR forms with the Court's ADR office.

Dated: February 29, 2012

BRYAN CAVE LLP

By:

Lawrence P. Ebner
Jonathan G. Fetterly
Attorneys for Defendant
U.S. BANCORP

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PROOF OF SERVICE

1013 A(3) CCP REVISED 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 800 West Olympic Boulevard, 4th Floor, Los Angeles, CA 90015.

On February 29, 2012, served the foregoing document described as **NOTICE OF RULING RE CASE MANAGEMENT CONFERENCE** on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY PERSONAL SERVICE:** I caused the above-mentioned document to be personally served to the offices of the addressee.

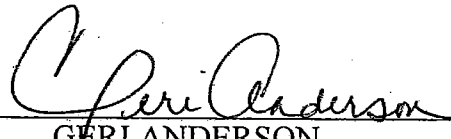
☐ **BY FACSIMILE:** I communicated such document via facsimile to the addressee as indicated on the attached service list.

☐ **BY FEDERAL EXPRESS:** I caused said document to be sent via Federal Express to the addressee as indicated on the attached service list.

☐ **BY ELECTRONIC MAIL:** I communicated such document via electronic mail to the addressee on the attached service list.

Executed on February 29, 2012, at Los Angeles, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


GERI ANDERSON

SERVICE LIST

In Pro Per

Thomas Hronis
11054 Ventura Boulevard, #372
Studio City, CA 91604
Phone: (323) 252-4830
Email: roaps@yahoo.com

1 Thomas Hronis [Plaintiff, In Pro Per]
2 11054 Ventura Blvd. # 372
3 Studio City, CA 91604
4 Email: roaps@yahoo.com
5
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES – NORTH CENTRAL DISTRICT, BURBANK COURTHOUSE
10

11 THOMAS HRONIS, an Individual,
12 Plaintiff,
13 vs.
14 U.S. BANCORP, a Delaware Corporation,
15 and DOES 1-10
16 Defendants
17

CASE NO. EC056404

**AMENDMENT TO COMPLAINT:
DOE 1 – U. S. BANK, N.A**

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19
20
21 COMES NOW PLAINTIFF, THOMAS HRONIS, an Individual (“Plaintiff”), who files
22 this Amendment to its COMPLAINT FOR: BREACH OF CONTRACT, NEGLIGENT
23 VIOLATION OF FAIR CREDIT REPORTING ACT, INTENTIONAL INFLICTION OF
24 EMOTIONAL DISTRESS and DOES 1 through 10, inclusive (“Complaint”) as follows:

25 Upon filing the Complaint in this case, Plaintiff, being ignorant of the true name of
26 defendant, designated such defendant in the Complaint by the fictitious name of DOE 1.

27 ///

28 ///

1 Having discovered the defendant's true name to be U.S. BANK, N.A., an entity of
2 unknown form, the Plaintiff now amends the Complaint by inserting such true name instead of
3 such fictitious name, DOE 1, wherever it appears in the Complaint.

4
5 DATED: May 22nd, 2012

6
7 By:


THOMAS HRONIS

8
9 PLAINTIFF, In Pro Per
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/07/12

DEPT. NC A

HONORABLE WILLIAM D. STEWART

JUDGE

R. HERNANDEZ

DEPUTY CLERK

HONORABLE
J. LARSEN, COURTROOM ASST.
#3

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

P. E. NISOTIS, CSR#12625 Reporter

8:30 am

EC056404

Plaintiff

IN PRO PER

Counsel

THOMAS HRONIS (X/CC)

VS

Defendant

JON FETTERLY (X/CC)

US BANCORP

Counsel

NATURE OF PROCEEDINGS:

POST-MEDIATION STATUS CONFERENCE

Post Mediation Status Conference is called for hearing and held. Mediation not held. New Doe just named and Amendment filed.

A Mandatory Settlement Conference is set on October 25, 2012 at 9:00 a.m., in Department 003 of the Northcentral District - Glendale Courthouse located at 600 E. Broadway, Glendale, California. Mandatory Settlement Conference and Judge's Settlement Conference form filed.

Final Status Conference set on November 28, 2012 and Jury Trial set on December 03, 2012 to stand.

A copy of this minute order and Mandatory Settlement Conference and Judge's Settlement Conference in Department 3 form are mailed to parties as follows:

Thomas Hronis
In Pro Per
11054 Ventura Blvd., #372
Studio City, CA 91604

Lawrence P. Ebner, Esq.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/07/12

DEPT. NC A

HONORABLE WILLIAM D. STEWART

JUDGE

R. HERNANDEZ

DEPUTY CLERK

HONORABLE
J. LARSEN, COURTROOM ASST.
#3

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

P. E. NISOTIS, CSR#12625 Reporter

8:30 am EC056404

Plaintiff IN PRO PER
CounselTHOMAS HRONIS (X/CC)
VS
US BANCORPDefendant JON FETTERLY (X/CC)
Counsel

NATURE OF PROCEEDINGS:

Jonathan G. Fetterly, Esq.
Bryan Cave LLP
800 West Olympic Blvd., 4th Floor
Los Angeles, CA 90015

FILED
LOS ANGELES
SUPERIOR COURT

JUN 07 2012

JOHN A. CLARKE, CLERK
BY R. HERNANDEZ, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

<p><i>Hronis</i></p> <p>v.</p> <p><i>US Bancorp</i></p> <p>Plaintiff(s),</p> <p>Defendant(s).</p>	<p>CASE NUMBER: <i>EC 056404</i></p> <p>MANDATORY SETTLEMENT CONFERENCE AND JUDGE'S SETTLEMENT CONFERENCE IN DEPARTMENT 3</p>
---	--

1.) Settlement Conference

A Mandatory Settlement Conference or a Judge's Settlement Conference is set before Judge John P. Doyle on ~~7/02/12 10:00 AM~~ 7/10/12 10:00 AM in Department 3. Once a Mandatory Settlement Conference or Judge's Settlement Conference has been scheduled, the date may not be changed.

2.) Attendant

Trial counsel and persons with full authority to settle the case must personally attend the conference unless excused by the court for good cause. If consent to settle is required for any reason, the party with consensual authority must be personally present at the conference. Trial counsel for all parties appearing in the action must be fully prepared to discuss the evidence involving both liability and damages.

3.) Settlement Conference Statement

Each party must submit to Judge John P. Doyle, but not file with the Court, and serve on the other party/parties a settlement conference statement on the day of the settlement conference. The settlement conference statement must contain: a good faith settlement demand, an itemization of economic and non-economic damages sought by each plaintiff; a good faith offer of settlement by each defendant; a statement identifying and discussing in detail all facts and law pertinent to the issues of liability and damages involved in the case as to the party; and shall be limited to no more than 5 pages in length.

4) Settlement Prior to Settlement Conference

If the case is settled, all parties must notify the assigned court department immediately. If a case settles within 5 days prior to the scheduled settlement conference, plaintiff's counsel or plaintiff shall immediately send a copy of written notice of settlement to the assigned court department.

1 Thomas Hronis [Plaintiff, In Pro Per]
2 11054 Ventura Blvd. # 372
3 Studio City, CA 91604
4 Email: roaps@yahoo.com
5
6

FILED
LOS ANGELES SUPERIOR COURT

[Signature]
JUN 14 2012

JOHN A. CLARKE, CLERK
[Signature]
BY PATRICIA VALLE, DEPUTY

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF LOS ANGELES – NORTH CENTRAL DISTRICT, BURBANK COURTHOUSE
9

11 THOMAS HRONIS, an Individual,
12 Plaintiff,

13 vs.

14 U.S. BANCORP, a Delaware Corporation,
15 and DOES 1-10
16 Defendants
17

CASE NO. EC056404

**AMENDMENT TO COMPLAINT:
DOE 1 – U. S. BANK, N.A.**

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22 this Amendment to its COMPLAINT FOR: BREACH OF CONTRACT, NEGLIGENT
23 VIOLATION OF FAIR CREDIT REPORTING ACT, INTENTIONAL INFLICTION OF
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25 Upon filing the Complaint in this case, Plaintiff, being ignorant of the true name of
26 defendant, designated such defendant in the Complaint by the fictitious name of DOE 1.

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1 Having discovered the defendant's true name to be U.S. BANK, N.A., an entity of
2 unknown form, the Plaintiff now amends the Complaint by inserting such true name instead of
3 such fictitious name, DOE 1, wherever it appears in the Complaint.

4 DATED: May 22, 2012

5
6 By:

7 
8 THOMAS HRONIS

9 PLAINTIFF, In Pro Per
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POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Thomas Hronis [Plaintiff, In Pro Per] 11054 Ventura Blvd. # 372 Studio City, CA 91604 TELEPHONE NO.: (323) 252-4830 FAX NO. (Optional): E-MAIL ADDRESS (Optional): Email: roaps@yahoo.com ATTORNEY FOR (Name):		FOR COURT USE ONLY <div style="border: 2px solid black; padding: 10px; transform: rotate(-5deg);"> ORIGINAL FILED JUN 15 2012 LOS ANGELES SUPERIOR COURT </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 East Olive Avenue MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 91502 BRANCH NAME: North Central District, Burbank Courthouse		CASE NUMBER: EC056404	
PLAINTIFF/PETITIONER: THOMAS HRONIS DEFENDANT/RESPONDENT: U.S. BANCORP		Ref. No. or File No.:	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): AMENDMENT TO COMPLAINT: DOE 1 – U. S. BANK, N.A.
3. a. Party served (specify name of party as shown on documents served):
Doe #1 (U.S. Bank, N.A.)
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served: 5454 Hollywood Blvd., Los Angeles, CA 90027
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 6-15-12 (2) at (time): 1:50 P.M.
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: THOMAS HRONIS	CASE NUMBER:
DEFENDANT/RESPONDENT: U.S. BANCORP	EC056404

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☒ as the person sued under the fictitious name of (specify): Doe #1 (U.S. Bank, N.A.)
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Anna Cesar
- b. Address: 11054 Ventura Blvd., #500, Studio City, CA 91604
- c. Telephone number: 213-422-4995
- d. The fee for service was: \$ 0.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server.
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 6-15-12

Anna Cesar
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

Anna Cesar
(SIGNATURE)

EXHIBIT B

1 Lawrence P. Ebner (CA State Bar No. 122293)
2 E-mail: larry.ebner@bryancave.com
3 Jonathan G. Fetterly (CA State Bar No. 228612)
4 E-mail: jon.fetterly@bryancave.com
5 Patrick J. Hagan (CA State Bar No. 266237)
6 Patrick.hagan@bryancave.com
7 BRYAN CAVE LLP
8 800 West Olympic Boulevard, 4th Floor
9 Los Angeles, California 90015
10 Telephone: (213) 572-4300
11 Facsimile: (213) 572-4400

12 Attorneys for Defendants
13 U.S. BANCORP and U.S. BANK N.A.

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 THOMAS HRONIS, AN INDIVIDUAL,

18 Plaintiff,

19 v.

20 U.S. BANCORP, A DELAWARE
21 CORPORATION, and DOES 1 – 10
22 INCLUSIVE,

23 Defendants.

CASE NO.:

LOS ANGELES COUNTY SUPERIOR
COURT CASE NO.: EC056404

**DECLARATION OF JONATHAN G.
FETTERLY IN SUPPORT OF
REMOVAL OF CIVIL ACTION TO
UNITED STATES DISTRICT COURT
PURSUANT TO 28 U.S.C. SECTIONS
1441, 1446 (SUBJECT MATTER and
DIVERSITY)**

DECLARATION OF JONATHAN G. FETTERLY

I, JONATHAN G. FETTERLY, declare:

I am an attorney at law licensed to practice before the Courts of the State of California and the United States District Court, Central District of California. I am an associate with the law firm of Bryan Cave LLP, counsel of record for defendants U.S. Bancorp and U.S. Bank N.A. (collectively "Defendants"). Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

1. Since 2008, I have represented U.S. Bancorp and/or U.S. Bank N.A. in over fifty (50) cases pending throughout the state of California in the California Superior Courts and United States District Courts, and also in arbitration before the American Arbitration Association. I have visited U.S. Bank N.A. and U.S. Bancorp's offices in Minneapolis, Minnesota. On numerous occasions, and in numerous cases, I have worked directly with U.S. Bancorp and U.S. Bank N.A. to address issues relating to their legal entity status. I am familiar with U.S. Bancorp and U.S. Bank N.A.'s status as legal entities. I am familiar with U.S. Bancorp's subsidiary entities, one of which is U.S. Bank N.A.

2. U.S. Bancorp is a corporation organized under the laws of the State of Delaware. U.S. Bancorp's corporate headquarters is located at 800 Nicollet Mall, Minneapolis, Minnesota. U.S. Bancorp's principle place of business is Minneapolis, Minnesota.

3. U.S. Bank N.A. is a national banking association organized under the laws of the United States. It is a wholly owned subsidiary of U.S. Bancorp. U.S. Bank's main office is located at 425 Walnut Street, Cincinnati, Ohio. Its principal place of business is Minneapolis, Minnesota.

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6. During the course of this lawsuit I have communicated directly with Mr. Hronis, including communications via telephone, letter and email, and I have attended court hearings at which Mr. Hronis appeared. Mr. Hronis has stated on more than one occasion that he currently resides in Illinois. Mr. Hronis also filed a document in the State Action that identifies his address as 552 Exmoor Rd., Kenilworth, Illinois 60043. This document is attached as an exhibit to a Notice of Stay of Proceedings filed by Mr. Hronis on December 2, 2011, a true and correct copy of which is submitted by U.S. Bank N.A. with the pleadings and process from the State Action in support of its Notice of Removal.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this declaration was executed on the 13th day of July, 2012 in Los Angeles, California.

DECLARATION OF JONATHAN G. FETTERLY IN SUPPORT OF
NOTICE OF REMOVAL OF CIVIL ACTION PURSUANT TO 28 U.S.C. SECTIONS 1441 AND 1446

EXHIBIT C

1 Lawrence P. Ebner (CA State Bar No. 122293)
E-mail: larry.ebner@bryancave.com
2 Jonathan G. Fetterly (CA State Bar No. 228612)
E-mail: jon.fetterly@bryancave.com
3 Patrick J. Hagan (CA State Bar No. 266237)
Patrick.hagan@bryancave.com
4 BRYAN CAVE LLP
5 800 West Olympic Boulevard, 4th Floor
6 Los Angeles, California 90015
Telephone: (213) 572-4300
7 Facsimile: (213) 572-4400

8 Attorneys for Defendants
9 U.S. BANCORP and U.S. BANK N.A.

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY LOS ANGELES
13 NORTH CENTRAL DISTRICT
14

15 THOMAS HRONIS, AN INDIVIDUAL,

16 Plaintiff,

17 v.

18 U.S. BANCORP, A DELAWARE
19 CORPORATION, and DOES 1 - 10
20 INCLUSIVE,

21 Defendants.
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27
28

CASE NO.: EC056404

**NOTICE TO ADVERSE PARTY OF
REMOVAL OF CIVIL ACTION TO
UNITED STATES DISTRICT COURT
PURSUANT TO 28 U.S.C. SECTIONS 1441,
1446 (SUBJECT MATTER and DIVERSITY)**

1 TO PLAINTIFF AND HIS COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that Defendant U.S. Bank N.A. filed a Notice of Removal in this
3 action in the United States District Court for the Central District of California on July 13, 2012,
4 under case number _____. This notice of filing the removal will serve to
5 complete the removal of this case to federal court and preclude further proceedings in this action in
6 the Superior Court of California, County of Los Angeles. A copy of the Notice of Removal is
7 attached hereto as Exhibit 1, and incorporated herein by reference.

8
9 Dated: July 13, 2012

BRYAN CAVE LLP

10
11 By: _____

Lawrence P. Ebner

Jonathan G. Fetterly

Patrick J. Hagan

12
13 Attorneys for Defendants U.S. BANCORP and U.S.
14 BANK N.A.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV12- 6076 JFW (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) THOMAS HRONIS, AN INDIVIDUAL		DEFENDANTS U.S. BANCORP, A DELAWARE CORPORATION, and DOES 1 - 10 INCLUSIVE																									
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Cook County, Illinois		County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):																									
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Joseph A. Cardella 3324 Seaclaire Drive Rancho Palos Verdes, CA 90275 Phone (310) 595-4482		Attorneys (If Known) Lawrence P. Ebner (SBN 122293) Jonathan G. Fetterly (SBN 228612) BRYAN CAVE LLP 800 W. Olympic Blvd., 4th Floor Los Angeles, CA 90015																									
II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:40%;">Citizen of This State</td> <td style="width:10%;">PTF</td> <td style="width:10%;">DEF</td> <td style="width:40%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF</td> <td style="width:10%;">DEF</td> </tr> <tr> <td></td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td></td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																						
	<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4																						
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																						
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																						
IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																											
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ 275,000.00																											
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. Alleged violation of statute.																											
VII. NATURE OF SUIT (Place an X in one box only.)																											
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI(405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																						

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: CV12-06076

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

On information and belief, Plaintiff resides in Illinois.

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Defendant U.S. Bancorp: Delaware and Minnesota

Defendant U.S. Bank National Association: Ohio

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Plaintiff alleges the contract and obligations, which are the basis for his action, were entered into and were to be performed in the County of Los Angeles, California. (Complaint ¶ 2).

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Jonathan G. Fetterly, Esq. Date July 13, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))